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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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Fort Collins, CO 80527-2400

EXAMINER

EHICHIOYA, FRED I

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/836,952		JAM, MEHRBAN	
	Examiner		Art Unit	
	Fred I. Ehichioya		2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. claims 1 – 38 are pending in this Office Action.

Response to Petition from Requirement for Restriction under 37 C.F.R. § 1.144

filed November 7, 2005

2. When a petition is taken from an action or requirement of an examiner in the ex parte prosecution of an application, or in the ex parte or inter partes prosecution of a reexamination proceeding, it may be required that there have been a proper request for reconsideration (§ 1.111) and a repeated action by the examiner. The examiner may be directed by the Director to furnish a written statement, within a specified time, setting forth the reasons for his or her decision upon the matters averred in the petition, supplying a copy to the petitioner. MPEP 1002 [R-2]; 37 CFR 1.181 (c).

After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Director to review the requirement (CFR §1.144).

However, Examiner submits that applicant's petition from requirement for restriction under 37 C.F.R 1.144 is not right for deciding since the restriction of the last Office Action was not expressly made final.

Applicant's arguments, see petition, filed November 7, 2005, with respect to requirement for restriction under 37 C.F.R 1.144 have been fully considered and are persuasive. Therefore, the requirement of last Office Action has been withdrawn.

All claims including the withdrawn claims are hereby examined on the merit.

Response to Arguments

3. Applicant's arguments with respect to claims 13 – 19, and 21 - 26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 21, and 24 – 27 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over NPL "Accessing the Campus" by Joe Gallagher (hereinafter "Gallagher") in view of NPL "Smart Card Policy and Administrative Guidelines" by General Services Administration (Hereinafter "GSA").
- U.S. Patent 5,204,663 issued to Philip S. Lee (hereafter "Lee") in view of U.S. Patent 6,057,764 issued to Melvin P. Williams (hereinafter "Williams").

Regarding claim 1, Gallagher teaches a computer-implemented method comprising:
assigning information stored on a computer a plurality of clearance levels (page 1, paragraph 3);

assigning each smart badge within a set of smart badges one of the clearance levels (page 1, paragraph 4);

using a wireless beacon to detect which smart badges are located within a predefined boundary (page 1, paragraph 6 – Examiner interprets “control panel” as “wireless beacon”).

Gallagher does not explicitly teach lowest clearance level as claimed.

GSA teaches identifying a lowest clearance level assigned to the smart badges within the boundary (page 114, section “Agency profile characteristics”);

providing access to that sub-set of the information having a clearance level no higher than the lowest identified clearance level (page 78, paragraph 2, “Agencies that have low level security . . . different employees levels”).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because GSA’s teaching of “lowest clearance level” would have allowed Gallagher’s system to provide an a standardized card which could be read interoperably by multiple types of readers as suggested by GSA at page 11, paragraph 1.

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Regarding claims 2 and 14, Gallagher teaches defining those smart badges within the boundary as a set of visible smart badges (page 2, paragraph 1); and

updating the set of visible smart badges in response to a change in smart badge visibility status (page 2, paragraph 2).

Regarding claims 3 and 15, Gallagher teaches recalculating the lowest clearance level in response to the change in smart badge visibility status (page 4, paragraph 5).

Regarding claim 4, Gallagher teaches recording the smart badge visibility status of each smart badge within an activity log (page 1, paragraph 6).

Regarding claim 5, Gallagher teaches providing access to smart badge wearers assigned to the smart badges (page 4, paragraph 5).

Regarding claims 6 and 17, Gallagher teaches preventing access to the information when the smart badge visibility status is set to invisible for a predetermined timeout (page 1, paragraph 4).

Regarding claim 7, GSA teaches writing data items to the smart badges (page 17, section 4).

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Regarding claim 8, GSA teaches pre-reading the data items from the smart badges during idle periods (page 16, section “serial protected memory integrated chip cards”).

Regarding claims 10 and 19, Gallagher teaches assigning an expiration period to each of the smart badges (page 2, paragraph 2 _ Examiner interprets “”activate or deactivate” as “assigning an expiration period to each of the smart badges”) ; and

de-authenticating and erasing all data stored on a smart badge whose expiration period has been exceeded (page 2, paragraph 2 _ Examiner interprets “if a student drops out at mid semester, the card can be deactivated” as “de-authenticating and erasing all data stored on a smart badge whose expiration period has been exceeded”).

Regarding claim 11, GSA teaches configuring the predefined boundary by varying a sensitivity level of the wireless beacon (page 62, section “1. Physical Access”, paragraph 1).

Regarding claims 12, 13 and 20, Gallagher teaches a method for context-aware computer management comprising:

assigning database information a plurality of clearance levels (page 1, paragraph 3);

assigning each smart badge within a set of smart badges one of the clearance levels (page 1, paragraph 4);

using a wireless beacon to detect which smart badges are located within a predefined physical boundary (page 1, paragraph 6 - Examiner interprets "control panel" as "wireless beacon").

defining those smart badges within the boundary as a set of visible smart badges (page 2, paragraph 1);

updating the set of visible smart badges in response to a change in smart badge visibility status (page 2, paragraph 2); and

recalculating the lowest clearance level in response to the change in smart badge visibility status (page 4, paragraph 5).

Gallagher does not explicitly teach lowest clearance level as claimed.

GSA teaches identifying a lowest clearance level assigned to the smart badges within the boundary (page 114, section "Agency profile characteristics");

providing access to that sub-set of the database information having a clearance level no higher than the lowest identified clearance level on a computer located within the predefined physical boundary (page 78, paragraph 2, "Agencies that have low level security . . . different employees levels").

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because GSA's teaching of "lowest clearance level" would have allowed Gallagher's system to provide an a standardized card which could be read interoperably by multiple types of readers as suggested by GSA at page 11, paragraph 1.

Regarding claim 16, GSA teaches providing access to the database information to smart badge wearers assigned to the smart badges (page 78).

Regarding claim 21, Gallagher teaches a system for context-aware computer management comprising:

- a database (page 1, paragraph 5), including information differentiated by a plurality of clearance levels (page 1, paragraph 3);

- a first wireless beacon (page 1, paragraph 6 - Examiner interprets "control panel" as "first wireless beacon").

- a set of smart badges, detected by the first beacon to be within a predefined boundary, each badge assigned one of the clearance levels (page 1, paragraph 6);

- a computer located within the boundary (page 1, paragraph 6).

Gallagher does not explicitly teach lowest clearance level as claimed.

GSA teaches a system service module, coupled to the beacon, for identifying a lowest clearance level assigned to the smart badges within the boundary (page 114);
and

- a software application, coupled to the service module and the database, for providing access to that sub-set of the information within the database having a clearance levels no higher than the lowest identified clearance level on the computer (page 78).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because GSA's teaching of "lowest clearance level" would have allowed Gallagher's system to provide an a standardized card which could be read interoperably by multiple types of readers as suggested by GSA at page 11, paragraph 1.

Regarding claim 24, GSA teaches biometric sensors for detecting when a smart badge has been removed from an assigned smart badge wearer (page 43, paragraph 3, "Generally . . . certificate").

Regarding claim 25, Gallagher teaches the service module defines those smart badges within the boundary as a set of visible smart badges (page 2, paragraph 1), and recalculates the lowest clearance level in response to a change in a visibility status (page 4, paragraph 5).

Regarding claim 26, Gallagher teaches the application logs smart badge wearers assigned to visible smart badges onto the computer (page 1, paragraph 6).

Regarding claim 27, GSA teaches providing access to the sub-set of information comprises providing access to the sub-set of information stored on the computer located within the predefined boundary (page 78).

6. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher in view of GSA and further in view of U.S. Patent 6,057,764 issued to Melvin P. Williams (hereinafter "Williams").

Regarding claims 9 and 18, Gallagher and GSA teach the claimed subject matter as discussed in claims 1 and 13 respectively. Gallagher or GSA does not disclose whether each smart badge has been continuously worn as claimed.

Williams teaches defining a badge removal confidence level indicating whether each smart badge has been continuously worn by corresponding assigned smart badge wearers (column 6, lines 2 – 18).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Williams's teaching of "defining a badge removal confidence level indicating whether each smart badge has been continuously worn by corresponding assigned smart badge wearers" would have allowed Gallagher and GSA's system to provide an improved authorized use of a secure space while an alarm system is on, allowing authorized users to freely move throughout the alarmed space, providing significantly greater security than that which is available today for authorized persons while utilizing secured space with the alarm system on as suggested by Williams (see Summary).

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7. Claims 22, 23, 28, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher in view of GSA and further in view of U.S. Patent 6,633,757 issued to Hermann et al (hereinafter "Hermann").

Regarding claim 22, Gallagher and GSA teach the claimed subject matter as discussed in claims 1 and 13 respectively. Gallagher or GSA does not disclose R.F beacon as claimed.

Hermann teaches a wide angle R.F beacon (column 12, line 20.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Hermann's teaching of "a wide angle R.F beacon" would have allowed Gallagher and GSA's system to maintain a record with information about services and associated identifiers as well as a list of identifiers about service-providing devices as suggested by Hermann at column 4, lines 43 – 45.

Regarding claim 23, Hermann teaches a second diffuse IR beacon (column 12, line 50), coupled to the service module, limited to detecting smart badges within the predefined boundary (page 43, paragraph 3, "Generally . . . certificate").

Regarding claim 28, Gallagher teaches the wireless beacon comprises a first wireless beacon to communicate with the smart badges, the method further comprising:

using a second wireless beacon (column 12, line 20) to communicate with the smart badges (Gallagher: page 1, paragraph 4),

wherein detecting which smart badges are located within the predefined boundary (Gallagher: page 2, paragraph 1) is based on the first and second wireless beacons (Hermann: column 12, 20).

Regarding claim 29, Gallagher wherein using the second wireless beacon comprises using the second wireless beacon (Hermann: column 12, 20) to communicate with smart badges within the predefined boundary and to communicate with smart badges outside the predefined boundary through one or more blocking objects defining the predefined boundary (Gallagher page 1, paragraph 4 and page 2, paragraph), and

using the first wireless beacon comprises using the first wireless beacon (Hermann: column 12, 20) to communicate with smart badges within the predefined boundary (Gallagher page 1, paragraph 4 and page 2, paragraph), wherein the first wireless beacon is blocked from communicating with smart badges outside the predefined boundary by the one or more blocking objects (column 12, line 20).

Regarding claim 30, Harmann teaches using the first wireless beacon comprises using an infrared beacon (column 12, line 50), and wherein using the second wireless beacon comprises using a radio frequency beacon (column 12, line 20).

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8. Claims 31, 32, 33, 35, 36, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over GSA in view of Hermann.

Regarding claims 31 and 36, GSA teaches an article comprising a computer-usable medium containing program code that when executed cause a computer to:

store plural sub-sets of information, each sub-set of information associated with one of plural clearance levels (page 78, paragraph 2, "Agencies that have low level security . . . different employees levels");

determine a lowest clearance level from among the clearance levels associated with the badges in the predefined region (page 114, section "Agency profile characteristics"); and

provide access to one or more sub-sets of the information having one or more respective clearance levels no higher than the determined lowest clearance level (page 78, paragraph 2, "Agencies that have low level security . . . different employees levels").

GSA does not explicitly teach a first wireless beacon as claimed.

Hermann teaches use at least a first wireless beacon to communicate with plural badges within a predefined region, each of the plural badges associated with one of the plural clearance levels (column 12, lines 50 – 67 – Hermann defines devices as "smart cards or badges" at column 6, lines 52 – 61).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because

Hermann's teaching of "a first wireless beacon" would have allowed GSA's system to maintain a record with information about services and associated identifiers as well as a list of identifiers about service-providing devices as suggested by Hermann at column 4, lines 43 – 45.

Regarding claim 32, GSA teaches providing access to the one or more sub-sets of the information comprises displaying the one or more sub-sets of the information having the one or more respective clearance levels no higher than the determined lowest clearance level (page 78).

Regarding claims 33 and 37, Hermann teaches the program code when executed cause the computer to further:

use a second wireless beacon to communicate with the plural badges in the predefined region and to communicate with one or more badges outside the predefined region (column 12, lines 20 – 30),

wherein the first wireless beacon is able to communicate with the plural badges within the predefined region but is unable to communicate with the one or more badges outside the predefined region (column 12, lines 50 – 55); and

determining the badges that are within the predefined region based on the first and second wireless beacons (column 12, lines 27 – 29).

Regarding claim 35, GSA teaches the program code when executed cause the computer to further:

re-determine the lowest clearance level as badges enter or leave the predefined region (page 114).

Regarding claim 38, Harmann teaches the second wireless beacon comprises a radio frequency beacon, and the first wireless beacon comprises an infrared beacon (column 12, line 20).

9. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over GSA in view of Hermann and further in view of William.

Regarding claim 34, GSA and Hermann teach the claimed subject matter as discussed in claim 31. the program code when executed cause the computer to further:

GSA does not explicitly disclose confidence level that the respective badge has been worn continuously by a user as claimed.

Williams teaches receive a parameter from each of the badges, the parameter indicating a confidence level that the respective badge has been worn continuously by a user (column 4, lines 40 - 55).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine teaching of the cited references because Williams's teaching of "confidence level that the respective badge has been worn

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continuously by a user" would have allowed GSA's system to provide an improved authorized use of a secure space while an alarm system is on, allowing authorized users to freely move throughout the alarmed space, providing significantly greater security than that which is available today for authorized persons while utilizing secured space with the alarm system on as suggested by Williams (see Summary).

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Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 703-305-8039. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fred I. Ehichioya
Examiner
Art Unit 2172
January 23, 2006


SHAHID ALAM
PRIMARY EXAMINER